

IFW

PTO/SB/21 (04-07)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

15

Application Number

10/784,410

Filing Date

February 23, 2004

First Named Inventor

John W. Muncaster

Art Unit

3637

Examiner Name

Manaf, A.

Attorney Docket Number

5825.36/P

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/
Incomplete Application

☐

Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☒

Petition

☐

Petition to Convert to a
Provisional Application

☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐ Landscape Table on CD

Remarks

Exhibits and Postcard

☐

After Allowance Communication to TC

☐

Appeal Communication to Board
of Appeals and Interferences

☐

Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify
below):

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Jack A. Kanz

Signature

Printed name

Jack A. Kanz

Date

08 June 2007

Reg. No.

23, 061

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Jack A. Kanz

Date

08 June 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of John W. Muncaster, et al.

Filed: February 23, 2004
Serial No: 10/784,410
Group Art Unit: 3637
Examiner: Manaf, A.
Title: Stress-Relieving Barrier Membrane for Concrete Slabs and Foundation Walls

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

On June 4, 2007, the undersigned was advised via a telephone call from Examiner Rena Dye (571.272.3186) that the above-identified application has been held abandoned by virtue of Applicant's failure to timely respond to an unidentified Official Action. As shown herein, neither Applicant nor Applicant's counsel has ever received the unidentified Official Action and, after a thorough search of the file jacket and docket records of the undersigned, the undersigned hereby attests that such unidentified Official Action has never been received in this office.

During my telephone conversation with Examiner Dye, she indicated that the unidentified Official Action had apparently been mailed to the firm of Locke Liddell and Sapp in Dallas, Texas. However, on August 8, 2005 Applicant mailed to the USPTO a duly executed Revocation of Power of Attorney with new Power of Attorney and Change of Correspondence form (a copy of which is attached hereto as Exhibit A) designating that all

correspondence in the above-identified application be mailed to the undersigned. The form was accompanied by a pre-paid return postcard (a copy of which is attached hereto as Exhibit B). That postcard was received in this office on August 19, 2005 bearing an official stamp indicating that it was received in the USPTO on August 12, 2005 (see Exhibit B).

After receiving no further communication from the USPTO regarding this matter for three (3) months, the undersigned filed a Status Inquiry (a copy of which is attached hereto as Exhibit C) which was accompanied by a prepaid return postcard (a copy of which is attached hereto as Exhibit D). That postcard was received in this office on November 17, 2005 bearing an official stamp indicating that the Status Inquiry was received in the USPTO on November 7, 2005.

After receiving no further communication from the USPTO regarding this matter, the undersigned filed a Second Status Inquiry (a copy of which is attached hereto as Exhibit E) which was accepted by a prepaid return postcard (a copy of which is attached hereto as Exhibit F). That postcard was received in this office on April 15, 2006 bearing an official stamp indicating that the Status Inquiry was received in the USPTO on April 7, 2006.

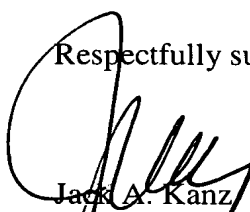
After receiving no further communication from the USPTO regarding this matter, the undersigned filed a Third Status Inquiry (a copy of which is attached hereto as Exhibit G) which was accepted by a prepaid return postcard (a copy of which is attached hereto as Exhibit H). That postcard was received in this office on March 30, 2007 bearing an official stamp indicating that the Status Inquiry was received in the USPTO on April 4, 2007.

After receiving no further communication from the USPTO regarding this matter, the undersigned filed a Fourth Status Inquiry (a copy of which is attached hereto as Exhibit I) which was accepted by a prepaid return postcard (a copy of which is attached hereto as Exhibit J). That postcard was received in this office on May 10, 2007 bearing an official stamp indicating that the Status Inquiry was received in the USPTO on May 7, 2007.

Applicant is aware that one of the Office requirements for granting a Petition as requested here is a showing that Applicant's attorney has searched its docket records "where the non received Office communication would have been entered had it been received and docketed." However, since neither Applicant nor Applicant's attorney has been informed of the due date for response of the unidentified Official Action, Applicant's attorney has none of the information required to conduct such a search. The undersigned attorney can and does verify that had an Official Action been received, a docket entry would have been noted in the docket entries for this file (identified in counsel's docket record as 5825.36/P). A search of this docket record results in a report stating "no records found." This report is not printable.

In view of the foregoing, Applicant respectfully submits that the holding of abandonment is erroneous and occurred through no fault of Applicant. Applicant further respectfully requests that the holding of abandonment be withdrawn, that the unidentified Official Action be properly addressed and mailed to the undersigned attorney of record, and that the period for response thereto be reset appropriately.

Respectfully submitted,

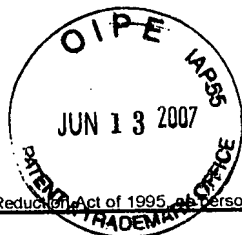


Jack A. Kanz
Reg. No. 23,061
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Richardson, Texas 75080
Tel 972.234.1394
Fax 972.234.5171

June 8, 2007

ATTORNEY FOR APPLICANT

Doc Code:



PTO/SB/82 (04-05)

Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/784,410
Filing Date	February 23, 2004
First Named Inventor	Muncaster, John W.
Art Unit	3637
Examiner Name	
Attorney Docket Number	5825.36/P

I hereby revoke all previous powers of attorney given in the above-identified application.☐ A Power of Attorney is submitted herewith.**OR**☒ I hereby appoint the practitioners associated with the Customer Number:

41254

☒ Please change the correspondence address for the above-identified application to:☒ The address associated with
Customer Number:

41254

OR☐ Firm or
Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

☒ Applicant/Inventor.☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Signature

Name

John W. Muncaster

Date

8/4/5

Telephone

972 875 8421

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT A



08 Aug 05

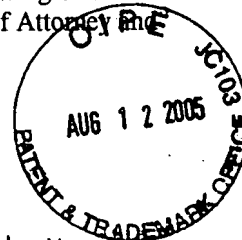
5825.36/P
JAK/daf

In re the application of John W. Muncaster, et al.

Filing Date: February 23, 2004
Serial No.: 10/784,410
Group Art Unit: 3637
Title: Stress-Relieving Barrier Membrane for Concrete Slabs
and Foundation Walls

The U.S. Patent and Trademark Office received the following on the date shown below:

- (1) Revocation of Power of Attorney with New Power of Attorney and
Change of Correspondence Address



RECEIVED
AUG 19 2005
JACK A. KANZ
ATTORNEY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FILE COPY

In re the application of John W. Muncaster, et al.

Filed: February 23, 2004

Serial No: 10/784,410

Group Art Unit: 3637

Examiner:

Title: Stress-Relieving Barrier Membrane for Concrete Slabs and Foundation Walls

I hereby certify that this correspondence is being deposited with the United States Postal Service on this date as first class mail, proper postage prepaid, in an envelope addressed to the Commissioner of Patents and Trademarks as specified by 37 CFR §1.8.

Deborah A. Fox

Printed name

Deborah A. Fox

Signature

Date

STATUS INQUIRY

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

The above-identified application was filed February 23, 2004. No correspondence from the U.S. Patent and Trademark Office has been received by the undersigned since the Filing Receipt mailed "05/17/2004" and no information is available in the PAIR system.

Please advise as to the current status of the above-identified application and when further action may be expected.

Respectfully submitted,

Jack A. Kanz
Reg. No. 23,061
502 So. Cottonwood Drive
Richardson, Texas 75080
Tel 972.234.1394
Fax 972.234.5171

November 3, 2005

ATTORNEY FOR APPLICANT

EXHIBIT C



✓

03 Nov 05

5825.36/P
JAK/daf

In re the application of John W. Muncaster, et al.

Filing Date: February 23, 2004
Serial No.: 10/784,410
Group Art Unit: 3637
Examiner:
Title:

Stress-relieving Barrier Membrane for Concrete Slabs and
Foundation Walls

The U.S. Patent and Trademark Office received the following on the date shown below:
(1) Status Inquiry.

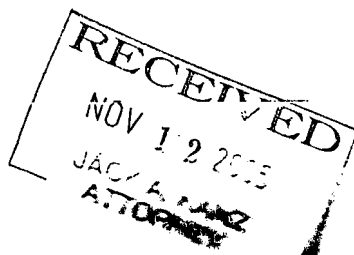
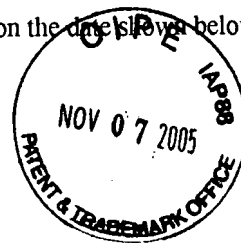
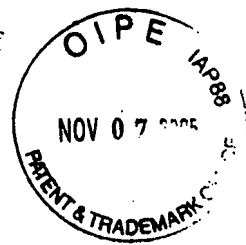


EXHIBIT D

**FILE COPY**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of John W. Muncaster, et al.

Filed: February 23, 2004

Serial No: 10/784,410

Group Art Unit: 3637

Examiner:

Title: Stress-Relieving Barrier Membrane for Concrete Slabs and Foundation Walls

I hereby certify that this correspondence is being deposited with the United States Postal Service on this date as first class mail, proper postage prepaid, in an envelope addressed to the Commissioner of Patents and Trademarks as specified by 37 CFR §1.8.

Deborah A. Fox
Printed name

Deborah A. Fox 3 Apr 06
Signature Date

SECOND STATUS INQUIRY

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

The above-identified application was filed February 23, 2004. No correspondence from the U.S. Patent and Trademark Office has been received by the undersigned since the Filing Receipt mailed "05/17/2004" and no information is available in the PAIR system.

Please advise as to the current status of the above-identified application and when further action may be expected.

Respectfully submitted,

Jack A. Kanz
Reg. No. 23,061
502 So. Cottonwood Drive
Richardson, Texas 75080
Tel 972.234.1394
Fax 972.234.5171

April 3, 2006

ATTORNEY FOR APPLICANT

EXHIBIT E



✓

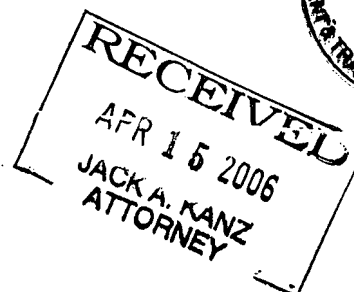
03 Apr 06

5825.36/P
JAK/daf

In re the application of John W. Muncaster, et al.

Filed: February 23, 2004
Serial No.: 0/784,410
Group Art Unit: 3637
Title: Stress-Relieving Barrier Membrane for Concrete Slabs and Foundation Walls

The U.S. Patent and Trademark Office received the following on the date shown below:
(1) Second Status Inquiry.





FILE COPY

In re the application of John W. Muncaster, et al.

Filed: February 23, 2004

Serial No: 10/784,410

Group Art Unit: 3637

Examiner: Manaf, A.

Title: Stress-Relieving Barrier Membrane for Concrete Slabs and Foundation Walls

I hereby certify that this correspondence is being deposited with the United States Postal Service on this date as first class mail, proper postage prepaid, in an envelope addressed to the Commissioner of Patents and Trademarks as specified by 37 CFR §1.8.

Deborah A. Fox
Printed name

Deborah A. Fox
Signature Date 27 Mar 07

THIRD STATUS INQUIRY

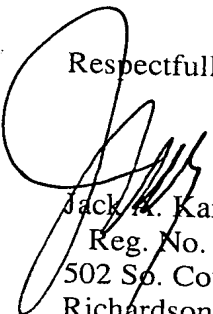
Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

The above-identified application was filed February 23, 2004. No correspondence from the U.S. Patent and Trademark Office has been received by the undersigned since filing Applicant's Response on August 5, 2006 and no information is available in the PAIR system.

Please advise as to the current status of the above-identified application and when further action may be expected.

Respectfully submitted,


Jack R. Kanz
Reg. No. 23,061
502 So. Cottonwood Drive
Richardson, Texas 75080
Tel 972.234.1394
Fax 972.234.5171

March 27, 2007

ATTORNEY FOR APPLICANT

EXHIBIT G



27 Mar 07

5825.36/P
JAK/daf

In re the application of John W. Muncaster, et al.

Filed: February 23, 2004

Serial No.: 10/784,410

Group Art Unit: 3637

Examiner: Manaf, A.

Title: Stress-Relieving Barrier Membrane for
Concrete Slabs and Foundation Walls

The U.S. Patent and Trademark Office received the following
on the date shown below:

(1) Third Status Inquiry

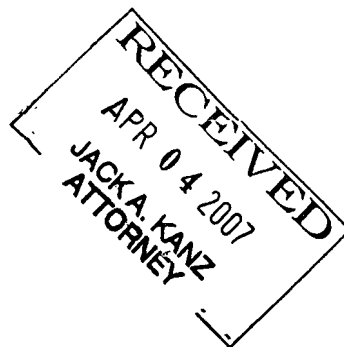


EXHIBIT H

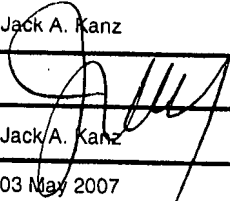
FILE COPY

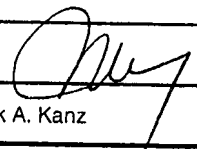
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Approved for use through 04/01/2007. OMB 03-003-003
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM (to be used for all correspondence after initial filing) Total Number of Pages in This Submission: 2	Application Number	10/784,410
	Filing Date	February 23, 2004
	First Named Inventor	John W. Muncaster
	Art Unit	3637
	Examiner Name	Manaf, A.
	Attorney Docket Number	5825.36/P

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

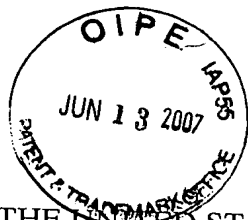
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Jack A. Kanz		
Signature			
Printed name	Jack A. Kanz		
Date	03 May 2007	Reg. No.	23,061

CERTIFICATE OF TRANSMISSION/MAILING			
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Signature			
Typed or printed name	Jack A. Kanz	Date	03 May 2007

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EXHIBIT I



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of John W. Muncaster, et al.

Filed: February 23, 2004

Serial No: 10/784,410

Group Art Unit: 3637

Examiner: Manaf, A.

Title: Stress-Relieving Barrier Membrane for Concrete Slabs and Foundation Walls

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Deborah A. Fox

Printed name

Signature

Date

FOURTH STATUS INQUIRY

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

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Please advise as to the current status of the above-identified application and when further action may be expected.

Respectfully submitted,

Jack A. Kanz
Reg. No. 23,061
502 So. Cottonwood Drive
Richardson, Texas 75080
Tel 972.234.1394
Fax 972.234.5171

May 3, 2007

ATTORNEY FOR APPLICANT



03 May 07

5825.36/P

In re the application of John W. Muncaster, et al.

Filed: February 23, 2004

Serial No.: 10/784,410

Art Unit: 3637

Examiner: Manaf, A.

Title: Stress-Relieving Barrier Membrane for
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on the date shown below:

- (1) Transmittal Form
- (2) Fourth Status Inquiry.

